

Remarks/Arguments

Applicants have received and carefully reviewed the Advisory Action of the Examiner mailed December 27, 2007 and the Final Office Action of the Examiner mailed September 18, 2007. Currently, claims 1-44 remain pending. Claims 1-44 have been finally rejected. In this amendment, claims 1, 16, and 31 have been amended. Favorable consideration of the following remarks is respectfully requested.

Claim Rejections – 35 USC § 102

In paragraph 2 of the Final Office Action, claims 1, 8-10, and 12-15 were rejected under 35 U.S.C. 102(b) as being anticipated by Chien et al. (U.S. Patent No. 6,165,163). After careful review, Applicant must respectfully traverse this rejection.

Turning to claim 1, which recites:

1. (Currently Amended) An embolic protection sheath, comprising:
an elongate shaft having a proximal end and a distal end, and a lumen extending therethrough;
a coil assembly including a first coil and a second coil defining a lumen,
the first coil defining a lumen and being wound in a first direction; the [and]
second coil being wound in a second direction, the second coil being and disposed
around the about an outer surface of the first coil; and
wherein the coil assembly is disposed about at least a portion of attached
to the distal end of the shaft, and the lumen of the shaft is fluid communication
with the lumen of the first coil.

Nowhere does Chien et al. appear to teach or suggest “the second coil being wound in a second direction and disposed about an outer surface of the first coil” or “wherein the coil assembly is disposed about at least a portion of the distal end of the shaft”, as recited in claim 1. Therefore, for at least these reasons, claim 1 is believed to be not anticipated by Chien et al.

Additionally, for similar reasons, as well as others, claims 8-10 and 12-15, which depend from claim 1, are believed to be not anticipated by Chien et al.

Claim Rejections – 35 USC § 103

In paragraph 6 of the Final Office Action, claims 2-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chien et al. (U.S. Patent No. 6,165,163) in view of DeMello et al. (U.S. Patent No. 5,429,597). After careful review, Applicant must respectfully traverse this rejection. For similar reasons given above, as well as others, claim 1 is believed to be patentable

over Chien et al. Nowhere does DeMello et al. appear to overcome the shortcomings of Chien et al. Therefore, for at least these reasons, claims 2-7, which depend from claim 1, are believed to be patentable over Chien et al. in view of DeMello et al.

In paragraph 7 of the Final Office Action, claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Chien et al. (U.S. Patent No. 6,165,163) in view of Samson et al. (U.S. Patent No. 6,143,013). After careful review, Applicant must respectfully traverse this rejection. For similar reasons given above, as well as others, claim 1 is believed to be patentable over Chien et al. Nowhere does Samson et al. appear to overcome the shortcomings of Chien et al. Therefore, for at least these reasons, claim 11, which depends from claim 1, is believed to be patentable over Chien et al. in view of Samson et al.

In paragraph 8 of the Final Office Action, claims 16, 23-25, 27-31, 38-40, and 43-44 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ginsburg (U.S. Patent No. 4,873,978) in view of Chien et al. (U.S. Patent No. 6,165,163). After careful review, Applicant must respectfully traverse this rejection.

Turning to claim 16, which recites:

16. (Currently Amended) An embolic protection sheath, comprising:
an elongate shaft having a proximal end and a distal end, and a lumen extending therethrough;

a coil assembly including a first coil and a second coil, the first coil defining a lumen; the first coil and being wound in a first direction, the [[and]] second coil being wound in a second direction, the second coil being and disposed about an outer surface of around the first coil;

wherein the coil assembly is disposed about at least a portion of attached to the distal end of the shaft, and the lumen of the shaft is fluid communication with the lumen of the first coil; and

an embolic protection device including an elongate wire and a filter attached thereto, wherein the wire is disposed at least in part in the shaft lumen.

For similar reasons discussed above, claim 16 is believed to be patentable over Ginsburg in view of Chien et al. Additionally, for similar reasons given above, as well as others, claims 23-25 and 27-30, which depend from claim 16, are believed to be patentable over Ginsburg in view of Chien et al.

Turning to claim 31, which recites:

31. (Currently Amended) An embolic protection sheath, comprising:
a coil assembly including a first coil and a second coil, the first coil defining a lumen; the first coil and being wound in a first direction, the [[and]]

second coil being wound in a second direction; the second coil being and disposed about an outer surface of around the first coil;

wherein the coil assembly is attached to and disposed about at least a portion of the distal end of the shaft, and the lumen of the shaft is fluid communication with the lumen of the first coil; and

an embolic protection device including an elongate wire and a filter attached thereto, wherein the wire is disposed at least in part in the shaft lumen.

For similar reasons discussed above, claim 31 is believed to be patentable over Ginsburg in view of Chien et al. Additionally, for similar reasons given above, as well as others, claims 38-40 and 43-44, which depend from claim 31, are believed to be patentable over Ginsburg in view of Chien et al.

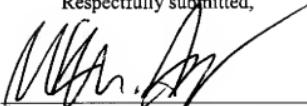
In paragraph 9 of the Final Office Action, claims 17-22 and 32-37 was rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Chien et al. and Ginsburg in view of DeMello et al. After careful review, Applicant must respectfully traverse this rejection. For similar reasons given above, as well as others, claims 16 and 31 are believed to be patentable over Chien et al. and Ginsburg. Nowhere does DeMello et al. appear to overcome the shortcomings of Chien et al. or Ginsburg. Therefore, for at least these reasons, claims 17-22, which depend from claim 16, and claims 32-37, which depends from claim 31, are believed to be patentable over the combination of Chien et al. and Ginsburg in view of DeMello et al.

In paragraph 10 of the Final Office Action, claims 26 and 41 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chien et al. and Ginsburg in view of Samson et al. After careful review, Applicant must respectfully traverse this rejection. For similar reasons given above, as well as others, claims 26 and 41, which depend from claim 16 and 31, respectively, are believed to be patentable over Chien et al. and Ginsburg in view of Samson et al.

In view of the foregoing, all pending claims are believed to be in a condition for allowance. Reexamination and reconsideration are respectfully requested. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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